

**OLYMPIC COAST
NATIONAL
MARINE
SANCTUARY
ADVISORY
COUNCIL**



**Alan Brooks, Chair
Cat Hoffman, Vice-Chair
Marcy Golde, Secretary**

December 2, 2003

Representation

*Citizen-At-Large
Environmental/Conservation
Business/Tourism
Commercial Fishing
Maritime Industry
Education
Research
Hoh Tribe
Makah Tribe
Quileute Tribe
Quinault Indian Nation
Local Government
Washington State:
Dept. of Ecology
Dept. of Fish and Wildlife
Dept. of Natural Resources
Olympic National Park
U.S. Fish and Wildlife Service
U.S. Coast Guard
U.S. Navy*

*Artwork:
David
Sones*

Carol Bernthal, Superintendent
Olympic Coast National Marine Sanctuary
115 East Railroad Avenue
Port Angeles, WA 98362

Dear Ms. Bernthal:

At the invitation of the Director of the National Marine Sanctuary Program (NMSP), the Olympic Coast National Marine Sanctuary Advisory Council (Council) was asked to give input on changes that might be made to the National Marine Sanctuaries Act (Act) when it is considered for reauthorization by Congress in the next session. The Council, at the November 21, 2003 meeting considered and adopted the recommendations listed below, based on a ranking process by the majority of Council members present. In doing so, the Council also listed them in order of priority. In addition to recommended changes to the Act, we've also included several items that could be implemented through the Advisory Council Charter and/or other policies or guidance documents (see items 1, 3, 6). We respectfully request that you forward these recommendations to the Director.

The Olympic Coast National Marine Sanctuary Advisory Council recommends the following changes in the National Marine Sanctuary Act and implementing policies or programs:

Olympic Coast National Marine Sanctuary
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•email: olympiccoast@noaa.gov

1. Strengthen Permitting Requirements - Act and Regulations

Recommendation: To prevent damage to sanctuary resources from failures of permittees to fully perform on the terms of their permits, or to address unforeseen events such as bankruptcy, permits for those projects that are determined to have potential to cause other than minor impacts to sanctuary resources and/or involve significant costs associated with permit conditions (e.g. removal of equipment at completion of project, monitoring, restoration) shall be required to include either a bond or cash deposit. This bond or cash deposit should cover the full costs of any required monitoring, the full cost of removal of all equipment, and any required restoration at the completion of a permitted activity. Determination of the bond or cash deposit should be done in coordination with other agency requirements for regulatory and proprietary interests.

2. Include Better Recognition of Native American Tribes - Act

Recommendation: Section 301 (b)(7), page 2 identifies that Native American tribes have a role in the protection and management of the sanctuary resources. In recognizing the important role of the tribes, we recommend that the Department look at including references to Native American Tribes in Section 303, paragraph (b)(1)(E), paragraph (b)(2)(C), Section 304, paragraph (a)(2)(B)(ii), paragraph (a)(2)(C)(iv), paragraph (a)(2)(F)(5), Section 309, paragraph (e), Section 311, paragraphs (a) and (e), Section 315, paragraph (b)(1). The changes would more accurately reflect the role of tribes and the National Marine Sanctuary Program in carrying out the goals of the Act.

3. Clarify Compatible Uses -- Act or Administrative Guidelines

Recommendation: Section 301(b)(6). The NMSP should develop guidelines to clarify the intent of this section and better define what is meant by facilitating allowed uses to the extent they are compatible with resource protection. The compatible use provision sets the context for many important decisions made by the NMSP including development of policies and permitting decisions.

4. Increase the Number of Voting Members – Act

Recommendation: Section 315, Limits on Membership, page 21 we urge that the number 15 should be expanded to 25 members for the Advisory Council. The current cap on members unduly restricts membership on Advisory Councils.

5. Lengthen Time Between Management Plan Revisions -- Act

Recommendation: Change Section 304 (e) Review of Management Plans, so that the review should occur every 10 years, not every 5 years. Given the time and energy spent on the current management plan reviews, that seems a more cost-effective approach.

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6. Role of Alternates – Advisory Council Charter and Handbook

Recommendations: Clarification of role of Alternates to state: that Alternates shall be encouraged to fully participate in all activities of the AC, SAC Committees, and Working Groups. However, they may only vote at AC meetings, when the primary member is either absent or has recused themselves, but shall be full voting members of all Committees and Working Groups. Full participation includes sitting at the table and speaking like other members. *Per diem* support should be available for Alternates.

7. Food For AC Members, Alternates And Staff – Act

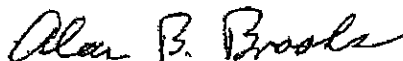
The Advisory Councils, subcommittees and working groups shall be provided with modest food and non-alcoholic drinks for all day meetings in recognition of the valuable contribution of Council members.

8. Include Proactive Measures – Act

Recommendation: Section 301(b)(3) add the words “including through proactive measures,” so that it would then read: “to use proactive measures to maintain the natural biological communities in the natural marine sanctuaries, and to protect, and where appropriate, restore and enhance natural habitats, populations, and ecological processes;” In many instances, the most effective way to protect sanctuary resources is through early action to address threats.

Thank you for your consideration of these comments.

Sincerely,



Alan Brooks
Chair, Olympic Coast National Marine Sanctuary Advisory Council